

Environmental Protection Agency

§ 52.1470

(B) Letter from the NDEQ dated November 9, 1995, regarding rule omissions and PSD.

(45) A revision to the Nebraska SIP to reduce lead emissions in the Omaha lead nonattainment area sufficient to bring that area back into attainment with the lead National Ambient Air Quality Standard.

(i) Incorporation by reference.

(A) Amended Complaint and Compliance Order Case No. 1520, signed June 6, 1996, except for paragraph 19 and accompanying work practice manual in Appendix A.

(ii) Additional material.

(A) Supplemental document entitled, “Methods for Determining Compliance” submitted by the state to provide additional detail regarding the compliance methods for this Order.

[37 FR 10877, May 31, 1972. Redesignated and amended at 64 FR 7103, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1426, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.1427 Operating permits.

Emission limitations and related provisions which are established in the city of Omaha and Lincoln-Lancaster operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[61 FR 5701, Feb. 14, 1996]

§§ 52.1428–52.1435 [Reserved]

§ 52.1436 Significant deterioration of air quality.

The requirements of sections 160 through 165 of the Clean Air Act are met except as noted in paragraphs (a) and (b) of this section. The EPA is retaining § 52.21 except paragraph (a)(1) as part of the Nebraska SIP for the following types of sources:

(a) Sources proposing to construct on Indian lands in Nebraska; and,

(b) Enforcement of permits issued by EPA prior to the July 28, 1983, delegation of authority to Nebraska.

[49 FR 29599, July 23, 1984, as amended at 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

Subpart DD—Nevada

§ 52.1470 Identification of plan.

(a) Title of plan: “Air Quality Implementation Plan for the State of Nevada.”

(b) The plan was officially submitted on January 28, 1972.

(1) Previously approved on May 31, 1972 and now deleted without replacement Rules 2.8 and 2.11.

(2) Previously approved on May 31, 1972 in paragraph (b) and now deleted without replacement: Articles 2.10.1, 2.10.1.1, 3.3.4, 4.3.4, and Section 13, Nos. 15 and 19 of Senate Bill No. 275.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Errata sheet to the plan was submitted on April 26, 1972, by the Division of Health.

(2) Washoe County regulations submitted on June 12, 1972, by the Governor.

(i) Previously approved on July 27, 1972 in paragraph (c)(2) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 020.020, 020.030, 020.075, and 040.055.

(3) Compliance schedules submitted on July 14, 1972, by the Governor.

(4) Legal opinions concerning the plan submitted on November 17, 1972, by the Office of the Attorney General.

(5) Amended Clark County regulations submitted on January 19, 1973, by the Governor.

(i) Previously approved on May 14, 1973 in paragraph (c)(5) of this section and now deleted without replacement: Section 15 (Prohibition of Nuisance Conditions) and Section 29 (Odors in the Ambient Air).

(6) Amendments to the Nevada Air Quality Regulations NAQR to regulate construction of complex sources (Article 13) submitted on April 1, 1974, by the Governor.

(7) Amendments to the NAQR to regulate sulfur emissions from nonferrous smelters; (Article 8.1); to regulate and monitor visible emissions from stationary sources (Article 4); and to allow supplementary control systems (Article 14); submitted on June 14, 1974, by the Governor.

(i) Previously approved on February 6, 1975 in paragraph (7) and now deleted without replacement: Article 8.1.

(8) Amendments to the NAQR to regulate open burning (Article 5.2.3 and 5.2.4), and to regulate the construction of complex sources (Article 13), submitted on November 12, 1974, by the Governor.

(9) Administrative procedures for the review of complex sources submitted on December 11, 1974, by the Governor's representative.

(10) Amendments to the Nevada Revised Statutes (NRS) (1975 Legislative Session) on motor vehicle inspection and testing (NRS 445.640, 445.700, 482.640 and 169.125), public availability of emission data (NRS 445.576), organization (NRC 445.481 and 481.—). (Section 1 of 1975 Assembly Bill 326), stack testing (NRS 445.447), and alleged violations (NRS 445.526) submitted on September 10, 1975 by the Governor.

(11) Amendments to the NAQR, as amended through September 18, 1975, submitted on October 31, 1975, by the Governor, as follows:

Article 1—Definitions: 1.6-1.13, 1.15-1.33, 1.35-1.69;

Article 2—General Provisions: 2.4.1-2.4.4, 2.5.1, 2.5.2, 2.5.4, 2.6.1-2.6.4, 2.7.1, 2.8.1, 2.8.4, 2.8.5.1, 2.9.1-2.9.3, 2.9.5-2.9.7, 2.10.1.2, 2.10.2-2.10.4, 2.11.4.2;

Article 3—Registration Certificates and Operating Permits: 3.1.3, 3.1.5, 3.1.6, 3.1.8a & d-1, 3.1.9, 3.2.2-3.2.6, 3.3.2, 3.3.5, 3.4.1, 3.4.6-3.4.14;

Article 4—Visible Emissions From Stationary Sources: 4.1, 4.2, 4.3.5, 4.4-4.4.2;

Article 5—Open Burning: 5.2.3, 5.2.4;

Article 6—Incinerator Burning: 6.3-6.6.2;

Article 7—Particulate Matter: 7.1.3, 7.2.1-7.2.3, 7.3.1-7.3.3;

Article 8—Sulfur Emissions: 8.1.1, 8.1.2, 8.1.4, 8.2.2.1, 8.3-8.4;

Article 9—Organic Solvent, Other Volatile Compounds: 9.1, 9.2-9.2.1.1, 9.2.2, 9.2.3;

Article 10—Odors: 10.2.1.1, 10.2.1.2;

Article 11—Mobile Equipment: 11.3-11.7.1, 11.7.4-11.7.5, 11.10, 11.10.1, 11.11-11.14.17.

(i) Previously approved on January 9, 1978 in paragraph (11) and now deleted

without replacement: Articles 2.10.1.2, 2.10.2, 2.10.3, 8.1.1, 8.1.2, and 8.1.4.

(12) Amendments to miscellaneous Nevada air quality control regulations and to other sections of the State plan submitted on December 10, 1976, by the Governor, as follows:

Article 1—Definitions: 1.1-1.213;

Article 2—General Provisions: 2.5.3, 2.6.2-2.6.9, 2.7.1-2.7.4, 2.8.5.2, 2.16, 2.17;

Article 3—Registration Certificates and Operating Permits, 3.1.9.1, 3.2.1;

Article 7—Particulate Matter: 7.2.4;

Article 8—Sulfur Emissions: 8.2.2-8.2.4;

Article 11—Mobile Equipment: 11.7.6, 11.8, 11.9, 11.10.2;

Section 3—Air quality data: 3.2;

Section 4—Emissions summary: 4.2;

Section 5—Control strategy: 5.1, table 5.1, table 5.2;

Section 10—Air quality surveillance network: Monitoring network table, sampling sites modification table.

(i) Previously approved on August 21, 1978 in paragraph (12) and now deleted without replacement: Article 2.7.4.

(13) Amendments to the NAQR and the control strategy submitted on October 7, 1976, by the Governor.

(i) Article 7—Particulate Matter: 7.2.7; Table 4.2—Emissions Inventory Summary for Particulates.

Table 5.2—Summary of Control Strategy Analysis for Particulates.

(14) The following amendments to the plan were submitted on December 29, 1978, by the Governor.

(i) Nevada State Emergency Episode Plan Sections: 6.1.4, 6.1.5, 6.5.2.2; Tables: 6.1, 6.2 (Stages 1, 2, and 3), 6.3; Air Pollution Episode Notice; Episode Communication Checklist.

(ii) Nevada Revised Statutes Policy Declarations; Definitions:

445.401, 445.406, 445.411, 445.416, 445.421, 445.424, 445.427, 445.431, 445.441, 445.446; State Environmental Commission: 445.451, 445.456, 445.461, 445.466, 445.471, 445.472, 445.473, 445.474, 445.476; Local Hearing Boards: 445.486; Enforcement Provisions: 445.491, 445.496, 445.497, 445.498, 445.499, 445.501; Variances: 445.506, 445.511, 445.516, 445.521; Hearings, Orders Respecting Violations: 445.529; Local Air Pollution Control Programs: 445.546, 445.551, 445.556, 445.561, 445.566; Miscellaneous Provisions: 445.571, 445.581, 445.586, 445.596, 445.598; Penalties: 445.601; Deletions: Senate Bill 275, Sections 8.5, 17(1-4, 6, 7), 27, 38.

Environmental Protection Agency

§52.1470

(A) Previously approved on July 10, 1980 and now deleted without replacement Statutes 445.506, 445.511, 445.516, and 445.521.

(iii) Nonattainment area plans for Mason Valley/Fernley Area, Lander County, Carson Desert, Winnemucca Segment, Truckee Meadows, and Las Vegas Valley.

(iv) Nevada Revised Statutes, Engine Emission Controls:

445.610, 445.620, 445.625, 445.630, 445.640, 445.650, 445.660, 445.670, 445.680, 445.690, 445.700, 445.705, and 445.710.

(v) Nevada Air Quality Regulations for Mobile Equipment:

Article 1—Sections 1.1 to 1.38; Article 2—Sections 2.1 to 2.2; Article 3—Sections 3.1 to 3.14.6; and Article 4—Sections 4.1 to 4.20.

(vi) Nevada Revised Statute 445.493, Limitations on Enforcement of Regulations as to Indirect Sources and Authority to Review New Indirect Sources.

(vii) Amendments to the Nevada Air Quality Regulations:

Article 1, Rules 1.44, 1.53, 1.60, 1.98.1; Article 2, Rules 2.2.2, 2.11.7, 2.17.3.2 a/b, 2.17.4, 2.17.4.1, 2.17.9.8, 2.17.10, 2.17.10.1; Article 3, Rules 3.1.1, 3.1.2, 3.1.3, 3.4.11; Article 4, Rule 4.3.[6]4; Article 5, Rule 5.2.4; Article 6, Rule 6.3; Article 7 Rules 7.1.[3]2, 7.3.3; Article 8, Rules 8.2.1.1, 8.2.1.2, 8.2.2, and Article 12, Rule 12.1.

(A) Previously approved on August 27, 1981 in paragraph (c)(14)(vii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Rule 2.11.7.

(viii) Amendments to the Nevada Air Quality Regulations:

Article 1; Article 7, Rules 7.2.8.1—7.2.8.3; Article 16, Rules 16.3.1.2—16.3.3 and Rules 16.15.1—16.15.4.

(ix) Previously approved on June 18, 1982 in paragraph (14)(viii) and now deleted without replacement: Article 16: Rules 16.3.1.2, 16.3.2, 16.3.2.1, 16.3.2.2, 16.15, 16.15.1, 16.15.1.1, 16.15.1.2, 16.15.2, 16.15.2.1, 16.15.2.2, 16.15.3, 16.15.3.1, 16.15.3.2, and 16.15.4.

(x) Previously approved on June 18, 1982 in paragraph (c)(14)(viii) of this section and now deleted without replacement: Article 16: Rules 16.3.3.1.

(xi) Previously approved on July 10, 1980 in paragraph (14)(ii) and now de-

leted without replacement: Nevada Revised Statutes (NRS) sections: 445.401, 445.466, and 445.497.

(15) Redesignation of the Clark-Mohave Interstate AQCR submitted on March 23, 1979, by the Governor.

(16) The following amendments to the plan were submitted on July 24, 1979, by the Governor.

(i) Amendments to the Nevada Air Quality Regulations:

Article I—Definition: No. 2—LAER.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 15—Source Registration, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, and 15.12; Section 50—Storage of Petroleum Products; Section 51—Petroleum Product Loading into Tank Trucks, and Trailers; and Section 52—Handling of Gasoline at Service Stations, Airports and Storage Tanks.

(iii) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Definitions, Sections 010.011, 010.014, 010.028, 010.057, 010.059, 010.071, 010.072, 010.091, 010.106, 010.107B, 010.108, 010.116, 010.117, 010.136, 010.148, 010.149, 010.151, 010.166, 010.197, and 010.1751; Source Registration and Operation, Sections 030.000, 030.005, 030.010, 030.015, 030.025, 030.030, 030.110, 030.115 (1 and 5)B, 030.120, 030.1201, 030.205, 030.210, 030.215, 030.245, and 030.250; Section 040.070—Storage of Petroleum Products; Section 040.075—Gasoline Loading into Tank Trucks and Trailers; Section 040.080—Gasoline unloading from Tank Trucks and Trailers into Storage Tanks; Section 040.085—Organic Solvents; and Section 040.090—Cut-Back Asphalt.

(iv) Paving schedules for the following Nonattainment Area Plans: Mason Valley/Fernley Area, Carson Desert, Winnemucca Segment, and Lander County.

(v) Amendments to the Las Vegas Valley Nonattainment Area Plan: Two memoranda of understanding between Clark County, the Health District, and the Transportation Policy Committee.

(vi) Nevada Revised Statutes, Engine Emission Control: 445.632, 445.634, 445.635, and 445.644.

(vii) Lake Tahoe Basin Nonattainment Area Plan.

(viii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 2, Rules 2.1, 2.2, 2.3; Section 3, Rule 3.1; Section 4, Rules 4.1—4.11; Section 5, Rule 5.1; Section 6, Rule 6.1; Section 7, Rules 7.1—7.19; Section 8, Rules 8.1, 8.2, 8.7 (deletion); Section 9, Rules 9.1—9.3; Section 10; Section 16, Rules 16.1—16.5, 16.6 (Operating Permits), 16.6 (Emission of Visible Air Contaminants) (deletion), 16.7—16.9; Section 17, Rules 17.1—17.8; Section 18, Rules 18.1—18.12; Section 23, Rules 23.1—23.5; Section 24, Rules 24.1—24.5; Section 25, Rules 25.1, 25.2, 25.4 (deletion); Section 26, Rules 26.1—26.3; Section 27, Rules 27.1, 27.2, 27.3, 27.4; Section 28, Rules 28.1, 28.2; Section 29; Section 30, Rules 30.1—30.7; Section 31; Section 32, Rules 32.1, 32.2; Section 40, Rule 40.1; Section 41, Rules 41.1—41.4; Section 42, Rules 42.1—42.4; Section 43, Rule 43.1; Section 70, Rules 70.1—70.6; Sections 80, and 81.

(A) Previously approved on August 27, 1981 and now deleted without replacement Section 9, Rules 9.2 to 9.3.

(B) Previously approved on August 27, 1981 at (c)(16)(viii) and now deleted Section 17, Rules 17.1—17.8.

(C) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted without replacement: Section 40, Rule 40.1 (Prohibition of Nuisance Conditions); Section 42, Rule 42.2 (open burning); and Section 43, Rule 43.1 (Odors in the Ambient Air).

(D) Previously approved on August 27, 1981 in paragraph (c)(16)(viii) of this section and now deleted from the SIP without replacement Nevada Air Quality Regulations: Clark County District Board of Health Air Pollution Control Regulations: Section 3, Rule 3.1.

EDITORIAL NOTE: At 47 FR 27071, June 23, 1982, the following paragraph (c)(16)(viii) was added to §52.1470.

(viii) Repeal and removal of all references to Indirect (Complex) Sources in the following rules or portions of rules in the Nevada Air Quality Regulations.

Article 1—Definitions: 1.12, 1.95, 1.147(b), and 1.202. Article 2—Registration Certificates and Operating Permits: 3.1.9, 3.2.1, 3.2.2, and 3.2.5. Article 13—Point Sources: 13.1.1, 13.1.2, 13.2, and 13.2.1 to 13.5.3.

(ix) Amendments to the Washoe County District Board of Health Air Pollution Control Regulations:

Sections 020.055, 030.300, 030.305, 030.310, 030.3101–030.3105, 030.3107, and 030.3108 and the following deletions: 010.115, 050.005, 050.010, 050.015, 050.020, 050.025, 050.030, and 050.035.

(A) Previously approved on August 27, 1981 in paragraph (c)(16)(ix) of this section and now deleted from the SIP without replacement Washoe County Air Quality Regulations: Rules 030.3105, 030.3107, and 030.3108.

(x) Amendments to the Nevada Air Quality Regulations: Article 12, Lead (Pb).

(17) The following amendments to the plan were submitted on September 18, 1979, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions (except 1.14, 1.15, 1.79, and 1.94); Section 15.14—Source Registration Requirements for Areas Exceeding Air Quality Standards; and Section 60—Evaporation and Leakage.

(ii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1, Rules 1.79, 1.94; Section 11, Rules 11.1, 11.1.1–11.1.8, 11.2, 11.2.1–11.2.3, 11.3, 11.3.1, 11.3.2, 11.4, and Section 13, Rule 13.5 (deletion).

(A) Previously approved on August 27, 1981 in paragraph (c)(17)(ii) of this section and now deleted without replacement: Section 1, Rules 1.79, 1.94.

(18) Amendments to the Nevada Air Quality Regulations submitted on March 17, 1980, by the Governor.

(i) Article 13.1.3—Point Sources and Registration Certificates.

(A) Previously approved on April 14, 1981 in paragraph (c)(18)(i) of this section and now deleted without replacement: Nevada Air Quality Regulations (NAQR) article 13.1.3(3).

(19) The following amendments to the plan were submitted on June 24, 1980, by the Governor.

(i) Section 10—State of Nevada Ambient Air Quality Monitoring and Surveillance.

(ii) Amendment to the Nevada Air Quality Regulations: Article 4, Rule 4.3.6.

(iii) Clark County, Nevada Lead SIP.

(20) The following amendment to the plan was submitted on August 19, 1980 by the Governor.

(i) Request for Extension of the Carbon Monoxide Attainment Date for the Truckee Meadows Nonattainment Area.

Environmental Protection Agency

§52.1470

(21) The following amendments to the plan were submitted on October 13, 1980, by the Governor.

(i) Amendments to the Nevada Revised Statutes: 704.820 through 704.900 (Utility Environmental Protection Act).

(ii) Rule 25, of General Order No. 3, Nevada Public Service Commission.

(22) The following amendments to the plan were submitted on November 5, 1980, by the Governor.

(i) Amendments to the Clark County District Board of Health Air Pollution Control Regulations: Section 4, Rules 4.12, 4.12.1-4.12.3.

(ii) Amendments to the Nevada Air Quality Regulations: Article 7, Rules 7.2.5, 7.2.5.1, 7.2.9; and Article 8, Rule 8.3.4.

(iii) Previously approved on June 18, 1982 in paragraph (22)(ii) and now deleted without replacement: Articles 7.2.5, 7.2.9, and 8.3.4.

(23) The following amendments to the plan were submitted on March 4, 1981, by the Governor:

(i) Las Vegas Valley Air Quality Implementation Plan (excluding Clark County Air Pollution Control Regulations).

(24) The following amendments to the plan were submitted on November 17, 1981 by the Governor.

(i) Amendments to the Nevada Air Quality Regulations: Article 14.1.

(ii) Resolution of the Washoe Council of Governments adopted August 28, 1981 and Endorsement of the State Environmental Commission dated October 15, 1981.

(iii) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 1—Definitions 1.7, 1.13, 1.14, 1.15, 1.32, 1.48, 1.50, 1.52, 1.57, 1.67, 1.72, 1.90 and the addition of the following unnumbered definitions: “Emission Unit,” “Criteria Pollutant,” “Non-Criteria Pollutant,” “Baseline Area,” “Begin Actual Construction,” “Building, Structure, Facility, or Installation,” “Particulate Precursor,” “Secondary Emissions,” and “Significant.”

Section 15—Source Registration, 15.1, 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.6, 15.1.7, 15.1.8, 15.2; 15.2.1, 15.2.2, 15.3, 15.4, 15.5; Preconstruction Review for New and Modified Sources, 15.6, 15.6.1, 15.6.1.1, 15.6.1.2 (deleted), 15.6.1.6, 15.6.2, 15.6.2.1 (deleted), 15.6.2.2, 15.6.2.3, 15.6.2.4, 15.6.2.5, 15.6.3, 15.6.3.1, 15.6.3.2 to 15.6.3.5 (added), 15.6.6, 15.7, 15.8,

15.9, 15.10, 15.10.1, 15.10.2, 15.10.3, 15.10.4, 15.11, 15.12; Prevention of Significant Deterioration, 15.13 (added); Preconstruction Review Requirements for New or Modified Sources in Areas Exceeding Air Quality Standards (“Offset” Rules), 15.14.1, 15.14.1.2, 15.14.1.3 (added), 15.14.3.1, 15.14.3.2, 15.14.4, 15.14.4.1, 15.14.4.3, 15.14.3.3 (added), 15.14.4.3.4 (added), 15.14.4.3.5 (added) and, 15.14.4.4 (deleted).

(iv) Amendments to the Clark County District Board of Health Air Pollution Control Regulations:

Section 4, Rule 4.7.3; Section 7; Section 9, Rules 9.1; Section 16; Section 17, Rules 17.2.1 and 17.6.1; Section 18, Rules 18.1—18.5.2; Section 23, Rules 23.2.1—23.3.1.2 and Rules 23.3.4—23.3.5; Section 27; Section 30, Rules 30.4 and 30.8; Section 52, Rules 52.4.2.3 and 52.7.2; and Section 60, Rules 60.4.3.

(A) Previously approved on June 18, 1982 and now deleted without replacement Section 7, Rules 7.1 to 7.19 and Section 9, Rule 9.1.

(B) Previously approved on June 18, 1982 at (c)(24)(iv) and now deleted Section 17, Rules 17.2.1 and 17.6.1.

(v) Nevada State Lead SIP Revision submitted by the State on November 5, 1981.

(vi) Amendment to the Clark County District Board of Health Air Pollution Control Regulations: Section 60, Rule 60.4.2.

(25) The following amendments to the plan were submitted on October 26, 1982, by the Governor.

(i) Amendments of Chapter 445 of the Nevada Administrative Code.

(A) New or amended sections 445.430–445.437, 445.439–445.447, 445.451, 445.453–445.472, 445.474–445.477, 445.480–445.504, 445.509–445.519, 445.522–445.537, 445.539, 445.542–445.544, 445.546–445.549, 445.551, 445.552, 445.554–445.568, 445.570, 445.572–445.587, 445.589–445.605, 445.608–445.612, 445.614–445.622, 445.624, 445.626, 445.627, 445.629–445.655, 445.660, 445.662–445.667, 445.682, 445.685–445.700, 445.704–445.707, 445.712–445.716, 445.721, 445.723, 445.729–445.732, 445.734, 445.742, 445.743, 445.746, 445.753, 445.754, 445.764, 445.844, and 445.845.

(ii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections: 445.447, 445.554, 445.596, 445.662, 445.695, 445.698, 445.700, and 445.844.

(iii) Previously approved on March 27, 1984, in paragraph (25)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections:

445.440, 445.442-445.443, 445.446, 445.451, 445.453-445.456, 445.459-445.463, 445.465-445.469, 445.474-445.476, 445.481, 445.483-445.485, 445.487, 445.489-445.491, 445.493-445.498, 445.502-445.503, 445.509-445.511, 445.514-445.515, 445.518-445.519, 445.522-445.524, 445.526-445.532, 445.534, 445.539, 445.543-445.544, 445.546, 445.547, 445.551, 445.566-445.568, 445.572-445.573, 445.576-445.580, 445.582-445.583, 445.586-445.587, 445.591, 445.593-445.595, 445.598, 445.600, 445.602-445.605, 445.608-445.611, 445.614-445.616, 445.619-445.620, 445.626, 445.629, 445.631-445.632, 445.634-445.646, 445.648, 445.652, 445.654, and 445.723.

(iv) Previously approved on March 27, 1984 in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.535.

(v) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section: 445.655.

(vi) Previously approved on March 27, 1984, in paragraph (c)(25)(i)(A) of this section and now deleted without replacement: Nevada Administrative Code (NAC) section 445.706(2).

(26) The following amendments to the plan were submitted on September 14, 1983 by the Governor.

(i) Amendments to Chapter 445 of the Nevada Administrative Code.

(A) New or amended Sections 445.732, 445.808 (paragraphs (1), (2)(a-c), and (3)-(5)), 445.815 (paragraphs (1), (2)(a)(1 and 2), and (3)-(5)), 445.816 (paragraphs (1), (2)(a-i), and (3)-(5)), 445.843, and 445.846 (paragraphs (1), (3), and (4)).

(B) Previously approved on March 27, 1984, in paragraph (26)(i)(A) and now deleted without replacement: Nevada Administrative Code (NAC) sections 445.815 (paragraphs (1), (2)(a)(1)-(2), and (3)-(5)) and 445.816 (paragraph (2)(a)-(c) and (e)-(i)).

(ii) The Truckee Meadows Air Quality Implementation Plan 1982 Update except for the attainment and RFP demonstrations and Legally Enforceable Measures portions of the plan.

(iii) Amendments related to Nevada's inspection and maintenance (I/M) program.

(A) State legislation (AB 677) which defers the start-up of the annual I/M

program from July 1, 1983 to October 1, 1983.

(B) An I/M public education plan.

(C) Revisions to the Engine Emission Control Regulations (Nevada Administrative Code 455.851 to 445.945).

(27) The following amendments to the plan were submitted on December 9, 1982, by the State:

(i) Emission reduction estimates and/or changes in vehicular activity for the adopted control measures.

(ii) A modeling analysis indicating 1982 attainment.

(iii) Documentation of the modeling analysis including air quality, traffic and meteorological data:

(iv) Evidence of implementation and/or future commitments for the adopted control measures.

(v) Appendix of previous reports, measured data and other official correspondence including:

(A) Resource commitments from the responsible agencies for implementing the RFP,

(B) 1979 and 1980 Annual Reports for the Lake Tahoe Air Basin, and

(C) 1981 Nevada Air Quality Report.

(28) The following amendments to the plan were submitted on December 16, 1982 by the State:

(i) Additional evidence of commitment to the control evidence by the responsible state and/or local agencies,

(ii) Additional supporting documentation for the 1982 attainment modeling analysis which included revised technical data on measured and modeled CO traffic volumes, and a revised narrative on the calibration constant and the impacts to the model.

(29) The following amendments to the plan were submitted on January 28, 1983 by the State:

(i) Response to EPA's preliminary evaluation, specifying documentation for calibrating the model, the mobile source emission factors, and additional traffic data.

(ii) Conversion factors for the model.

(iii) A revised 1982 attainment modeling analysis and supporting documentation including:

(A) 1979, 1980-82 traffic data for the Stateline Area, (Appendix A);

(B) Stateline Cold Start/Hot Start Analysis, (Appendix B);

Environmental Protection Agency

§52.1470

(C) Portions of the Highway 50 Corridor Study, June 1979 (Appendix C);

(D) Reference from Transportation and Traffic Engineering Handbook, (1979), (Appendix D); and

(E) Revised Caline 3 and Mobile 2 modeling analysis using both 27% and 50% cold start factors, (Appendix E).

(30) The following amendments to the plan were submitted on May 5, 1983 by the State:

(i) "Stateline, Nevada, 1983 Carbon Monoxide Study"—a traffic, ambient air monitoring and predictive modeling report, and

(ii) A revised analysis of the Caline 3 model verifying 1982 attainment, based on data collected in February and March 1983.

(31) The following amendments to the plan were submitted on May 30, 1984, by the Governor.

(i) Washoe County, Nevada Lead SIP Revision.

(32) The Las Vegas Valley 1982 Air Quality Implementation Plan (AQIP) Update for carbon monoxide submitted by the Governor on June 23, 1982.

(33) On January 11, 1985, the following amendments to the plan were submitted by the State.

(i) Incorporation by reference.

(A) Las Vegas Valley Air Quality Implementation Plan, Post 1982 Update for Ozone adopted on October 16, 1984 (including section 33 (Chlorine in Chemical Processes)), adopted May 18, 1984).

(ii) Additional material.

(A) Emissions Inventory for 1995, transmitted by a letter dated March 14, 1986.

(34) Program elements were submitted on June 28, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on June 28, 1994.

(35) Program elements were submitted on July 5, 1995 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on July 5, 1995.

(36)–(37) [Reserved]

(38) On August 7, 1998, regulations for the following Health District were submitted by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Health District.

(I) Section 53 adopted on September 25, 1997.

(39) The following plan was submitted on February 14, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Redesignation Request and Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley, adopted by Nevada Division of Environmental Protection on February 14, 1995.

(40) The following plan supplement was submitted on February 27, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Supplement to the Maintenance Plan for the National Sulfur Dioxide Standard—Central Steptoe Valley (Letter from Allen Biaggi, Administrator, Nevada Division of Environmental Protection, to Wayne Nastri, Regional Administrator, EPA Region IX, dated February 27, 2002).

(41) Regulations for the following agencies were submitted on November 19, 2002 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Air Quality Management Board.

(I) Clark County Building Code, section 3708, adopted on November 20, 1990.

(2) City of Las Vegas Building Code, section 3708, adopted on November 21, 1990.

(3) City of North Las Vegas Building Code, section 13.16.150, adopted on September 18, 1991.

(4) City of Henderson Building Code, section 15.40.010, adopted on October 15, 1996.

(42) The following plan was submitted on July 23, 2001, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(I) PM-10 State Implementation Plan for Clark County including: Chapter 3, Chapter 4 (excluding pages 4-125 and 4-126), Chapters 5 through 7, Appendices A through E, Appendix G (excluding pages 90-1 through 90-10, 91-1 through 91-9, 92-1 through 92-7, 93-1 through 93-

8, and the following paragraphs of pages 0–1 through 0–46: 0.1–0.24, 0.26–0.32, 0.34, 0.35, 0.38–0.42, 0.44, 0.49, 0.50, 0.52–0.57, 0.59–0.64, 0.66–0.69, 0.71–0.80, 0.82, 0.83, 0.85–0.109, 0.112, 0.113, 0.115, 0.116, 0.118, 0.119, 0.121–0.126, 0.128–0.131, 0.134–0.139, 0.142–0.146, 0.148–0.161, 0.163, 0.165, and 0.167–0.172), Appendix J, and Appendices L through N adopted on June 19, 2001.

(43) The following regulations were submitted on October 24, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(I) Sections 90, 91, 92 and 93 adopted on November 20, 2001.

(44) The following plan amendments were submitted on November 19, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(I) Pages 4–125 and 4–126 and Appendix R adopted on November 19, 2002.

(45) The following plan was submitted on October 27, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Carbon Monoxide Redesignation Request and Limited Maintenance Plan for the Nevada Side of the Lake Tahoe Basin, dated October 2003, adopted by the State Environmental Commission on September 18, 2003.

(I) Attainment year (2001) emissions inventory, monitoring network and verification of continued attainment, and contingency plan, including commitments to follow maintenance plan contingency procedures by the Nevada Division of Environmental Protection, the Tahoe Metropolitan Planning Organization, the Nevada Department of Transportation, and the Washoe County District Health Department.

(B) Letter of October 27, 2003, from the Nevada Division of Environmental Protection, transmitting the redesignation request and maintenance plan for the Lake Tahoe Nevada CO non-attainment area and including a State commitment to track CO concentrations and to adopt, submit as a SIP revision, and implement expeditiously any and all measures to achieve the level of CO emissions reductions needed to maintain the CO NAAQS in the

event that an exceedance of the CO NAAQS is monitored, and to work with the involved jurisdictions to ensure that sufficient measures are adopted and implemented in a timely fashion to prevent a violation.

(C) Additional material—Addendum to the October 27, 2003 letter of transmittal of the redesignation request and maintenance plan: emissions projections for on-road motor vehicles through 2016.

(46) The following plan revision was submitted on March 20, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) State of Nevada State Implementation Plan for an Enhanced Program for the Inspection and Maintenance of Motor Vehicles for Las Vegas Valley and Boulder City, Nevada, revised March 1996, transmitted by letter dated March 20, 1996, including the cover page through page 15, appendix 1 (only the Nevada attorney general's opinion and memorandum dated November 15, 1993 and June 29, 1994, respectively), and appendices 2 through 9.

(47) The following plan revision was submitted on August 9, 2000, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(I) Carbon Monoxide State Implementation Plan, Las Vegas Valley Non-attainment Area, Clark County, Nevada, August 2000, adopted on August 1, 2000, including the following sections within which certain exceptions are noted but excluding all sections not specifically cited: chapters 1 through 8 (with the exception of chapter 7, subsection 7.2.2, "Contingency Measures"); appendix A, "Emissions Inventory", sections 1 through 7, and section 8—"Annexes" (with the exception of appendix E, "Quality Assurance/Quality Control"); appendix B, "Transportation Documentation", section 1; appendix D, "Regulations, Policies and Public Participation Documentation", section 1—"Cleaner Burning Gasoline (CBG) Regulations and Supporting Documentation" (with the exception of District Board of Health of Clark County

Environmental Protection Agency

§52.1470

Air Pollution Control Regulations section 54 as adopted on April 22, 1999), section 2, section 3, section 4—“Nevada Administrative Code, Chapter 445B: Technician Training and Licensing” (with the exception of NAC 445B.485–445B.487, 445B.489–445B.493, and 445B.495–445B.498), and sections 5 through 9; and appendix E, “Supplemental Technical Support Documentation”, sections 1 through 4, and 7.

(48) The following plan revision was submitted on January 30, 2002 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) New or amended regulations implementing Nevada’s vehicle inspection and maintenance program in Las Vegas Valley and Boulder City: Nevada Administrative Code, chapter 445B, sections 445B.400–445B.774 (*i.e.*, “Emissions from Engines”), including the sections under the subheadings “General Provisions,” “Facilities for Inspection and Maintenance,” “Inspectors,” “Exhaust Gas Analyzers,” “Control of Emissions: Generally” [excluding sections 445B.576–445B.578, and excluding section 445B.594 (“Inspections required in Washoe County”)], “Restored Vehicles,” “Miscellaneous Provisions,” but excluding the sections under the subheading “Control of Emissions: Heavy-Duty Motor Vehicles” (*i.e.*, sections 445B.737–445B.774), codification as of February 2002 by the Legislative Counsel Bureau.

(2) Previously approved on September 21, 2004, in paragraph (c)(48)(i)(A)(1) of this section and now deleted from the SIP without replacement: Nevada Administrative Code (NAC) sections: 445B.461(3)(d) and 445B.595(2)(d).

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(1) NV2000 Analyzer Electronic Data Transmission Equipment Specifications (June 15, 2000), revision 5, November 8, 2000.

(49) The following plan revisions were submitted on June 4, 2002 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) New or amended statutes related to Nevada’s vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 40, chapter 445B, sections 445B.210, 445B.700, 445B.705, 445B.710, 445B.715, 445B.720, 445B.725, 445B.730, 445B.735, 445B.740, 445B.745, 445B.750, 445B.755, 445B.758, 445B.760, 445B.765, 445B.770, 445B.775–445B.778, 445B.780, 445B.785, 445B.790, 445B.795, 445B.798, 445B.800, 445B.805, 445B.810, 445B.815, 445B.820, 445B.825, 445B.830, 445B.832, 445B.834, 445B.835, 445B.840, and 445B.845, and title 43, chapter 482, section 482.461, transmitted by letter dated June 4, 2002.

(2) New regulation establishing the State’s low Reid Vapor Pressure wintertime requirement for gasoline sold in Clark County: Nevada Administrative Code, chapter 590, section 590.065 as adopted on October 28, 1998 (made effective December 14, 1998) by the State Board of Agriculture.

(3) Regulation R017–02, adopted on March 8, 2002 by the Nevada State Environmental Commission: New or amended rules in Chapter 445B of the Nevada Administrative Code removing the limitation on applicability of, and removing the restrictive trigger for effectuating the implementation of, the on-board diagnostics systems test for Nevada’s vehicle inspection and maintenance program.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(1) Contract between Nevada Department of Motor Vehicles and MD LaserTech for on-road testing services, dated January 15, 2002.

(50) The following plan revision was submitted on September 9, 2003 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) New or amended statutes related to Nevada’s vehicle inspection and maintenance program in Las Vegas Valley and Boulder City, as amended through the 2001 Legislative sessions: Nevada Revised Statutes, title 43, chapter 481, sections 481.019, 481.023, 481.027, 481.031, 481.035, 481.043, 481.047,

§ 52.1470

40 CFR Ch. I (7–1–11 Edition)

481.0473, 481.0475, 481.0477, 481.048, 481.0481, 481.051, 481.052, 481.055, 481.057, 481.063, 481.065, 481.079, 481.081, 481.082, 481.083, 481.085, and 481.087; title 43, chapter 482, sections 482.155, 482.160, 482.162, 482.165, 482.170, 482.171, 482.173, 482.175, 482.180, 482.1805, 482.181, 482.183, 482.186–482.188, 482.205, 482.206, 482.208, 482.210, 482.215, 482.216, 482.220, 482.225, 482.230, 482.235, 482.240, 482.245, 482.255, 482.260, 482.265–482.268, 482.270, 482.2703, 482.2705, 482.271, 482.2715, 482.2717, 482.272, 482.274, 482.275, 482.280, 482.2805, 482.2807, 482.281, 482.283, 482.285, 482.290, 482.385, and 482.565; and title 43, chapter 484, sections 484.644 and 484.6441, transmitted by letter dated September 9, 2003.

(51) The following plan revision was submitted on September 24, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) Regulation R178–01, adopted on July 11, 2002 by the Nevada Department of Motor Vehicles (and made effective August 21, 2002): New or amended rules in Chapter 445B of the Nevada Administrative Code establishing on-board diagnostics systems test procedures for Nevada's vehicle inspection and maintenance program.

(52) The following plan revision was submitted on November 10, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality Management.

(1) New or amended Section 53—Oxygenated Gasoline Program, and Section 54—Cleaner Burning Gasoline (CBG): Wintertime Program, adopted on May 20, 2003 (made effective June 3, 2003).

(53) The following plan revision was submitted on October 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) New or amended rules adopted on October 7, 2003 by the Clark County Board of County Commissioners: Clark County Air Quality Regulations section 0 (Definitions), section 11 (Ambient Air Quality Standards), section 12 (Preconstruction Review for New or

Modified Stationary Sources), excluding subsection 12.2.18 and 12.2.20, section 58 (Emission Reduction Credits), and section 59 (Emission Offsets), excluding subsection 59.2 (“Local Offset Requirements”).

(54) The following plan revision was submitted on November 20, 2003 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) Nevada Administrative Code section 445B.22083, adopted March 3, 1994 (effective March 29, 1994), by the State Environmental Commission.

(55) The following plan revision and regulations were submitted on August 5, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Board of Health.

(1) Rules 040.031 and 040.032, adopted on February 27, 2002.

(2) Regulation 040.030 adopted on July 26, 2002.

(56) The following regulations and statutes were submitted on January 12, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(1) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(i) September 16, 1976: 445B.002, 445B.009, 445B.022, 445B.042, 445B.047, 445B.053, 445B.080, 445B.086, 445B.091, 445B.095, 445B.106, 445B.121, 445B.122, 445B.127, 445B.129, 445B.144, 445B.161, 445B.163, 445B.167, 445B.174, 445B.176, 445B.185, 445B.198, 445B.205, 445B.207, 445B.2204, and 445B.2209.

(ii) November 8, 1977: 445B.168.

(iii) September 12, 1978: 445B.125.

(2) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(i) August 19, 1982: 445B.004 and 445B.060.

(ii) September 3, 1987: 445B.018, 445B.030, 445B.051, 445B.072, 445B.097, 445B.119, 445B.151, and 445B.209.

Environmental Protection Agency

§52.1470

- (iii) August 29, 1990: 445B.073.
- (iv) November 18, 1991: 445B.135.
- (v) November 3, 1993: 445B.055, 445B.056, and 445B.061.
- (vi) March 3, 1994: 445B.075, 445B.103, 445B.109, and 445B.182.
- (3) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:
 - (i) October 3, 1995: 445B.005, 445B.059, 445B.077, 445B.112, 445B.116, 445B.130, 445B.145, 445B.152, 445B.177, 445B.180, 445B.22037, and 445B.227.
 - (ii) January 22, 1998: 445B.011, 445B.0425, 445B.058, 445B.22027, and 445B.22033.
 - (iii) September 9, 1999: 445B.2203 and 445B.22047.
 - (iv) May 10, 2001: 445B.113 and 445B.1135.
 - (v) September 18, 2001: 445B.006.
 - (vi) February 26, 2004: 445B.22067, 445B.2207, and 445B.22097.
 - (vii) August 19, 2004: 445B.001, 445B.211, 445B.22043, 445B.2205, and 445B.230.
 - (viii) October 4, 2005: 445B.22017 (effective April 1, 2006) and 445B.2202 (effective April 1, 2006).
- (4) Title 40, Chapter 445B of Nevada Revised Statutes (2003): Sections 445B.105, 445B.110, 445B.115, 445B.120, 445B.125, 445B.130, 445B.135, 445B.140, 445B.145, 445B.150, 445B.155, 445B.210, 445B.220, 445B.225, 445B.235, 445B.245, 445B.275, 445B.280, 445B.300, 445B.320, 445B.500, 445B.510, 445B.520, 445B.530, 445B.540, 445B.560, and 445B.595.
- (5) The following sections of the Nevada Air Quality Regulations were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:
 - (i) September 16, 1976: 445B.134, 445B.257, 445B.258, 445B.259, 445B.260, 445B.261, and 445B.263.
- (6) The following sections of Chapter 445 of the Nevada Administrative Code were adopted on the dates listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:
 - (i) April 26, 1984: 445B.265.
 - (ii) November 3, 1993: 445B.084.
 - (iii) March 3, 1994: 445B.202.
- (7) The following sections of Chapter 445B of the Nevada Administrative

Code were adopted on the dates listed below:

- (i) October 3, 1995: 445B.015, 445B.062, and 445B.256.
- (ii) August 22, 2000: 445B.264.
- (iii) September 18, 2003: 445B.262 and 445B.267.
- (iv) October 4, 2005: 445B.063, 445B.153, and 445B.22093.
- (8) Title 40, Chapter 445B of Nevada Revised Statutes (NRS)(2003): Sections 445B.200, 445B.205, 445B.230, 445B.240, 445B.340, 445B.350, 445B.360, 445B.450, 445B.460, 445B.570, 445B.580, 445B.600, 445.610, and 445.640.
- (9) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed in paragraph (c)(56)(i)(A)(9) of this section:
 - (i) September 18, 2003: 445B.252.
- (57) The following plan revision was submitted on February 14, 2006, by the Governor's designee.
 - (i) Incorporation by reference.
 - (A) Clark County Department of Air Quality and Environmental Management.
 - (1) Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on October 4, 2005 by the Clark County Board of Commissioners (with the exception of section 7.3 (page 7-2), "Mobile Source Emissions Budget").
- (58) The following plan revision was submitted on May 12, 2006, by the Governor's designee.
 - (i) Incorporation by reference.
 - (A) Clark County Department of Air Quality and Environmental Management.
 - (1) Section 7.3 (page 7-2), "Mobile Source Emissions Budget" of the Carbon Monoxide State Implementation Plan Revision, Las Vegas Valley Nonattainment Area, Clark County, Nevada, adopted on May 2, 2006 by the Clark County Board of Commissioners.
- (59) The following statute was submitted on March 24, 2006, by the Governor's designee.
 - (i) Incorporation by reference.
 - (A) Nevada Division of Environmental Protection.
 - (I) Title 0, Preliminary Chapter-General Provisions, of Nevada Revised

Statutes: Section 0.039, effective April 29, 1985.

(60) The following plan revision was submitted on January 23, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(I) Sections 90 and 92, adopted June 22, 2000 by the Clark County Board of Commissioners, and amended on December 17, 2002.

(61) The following plan revision was submitted on March 26, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(I) Section 93, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 4, 2003; Section 94, adopted on June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003; and, the "Construction Activities Dust Control Handbook", adopted June 22, 2000 by the Clark County Board of Commissioners and amended on March 18, 2003.

(62) The following plan revision was submitted on December 8, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on September 6, 2006: 445B.134, 445B.230, 445B.258, 445B.259, and 445B.260.

(63) New or amended regulations were submitted on May 5, 2006, by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(I) Rules 010.117, 040.005, and 040.051, revised on February 23, 2006, and Rule 050.001, adopted on March 23, 2006.

(64) The following plan was submitted on February 5, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) Nevada State Implementation Plan for Interstate Transport to Sat-

isfy the Requirements of Clean Air Act 110(a)(2)(D)(i) for the 8-hour Ozone and PM_{2.5} NAAQS Promulgated in July 1997 (January 31, 2007), adopted by the Nevada Division of Environmental Protection on February 5, 2007.

(65) The following plan was submitted on May 30, 2007 by the Governor's designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department, Air Quality Management Division.

(I) Maintenance Plan for the Washoe County 8-Hour Ozone Attainment Area (April 2007), Washoe County District Health Department, excluding appendices.

(66) The following plan revision was submitted on June 26, 2007 by the Governor's designee. All section citations listed below refer to the January 2007 codification of chapter 445B of the Nevada Administrative Code as published by the Nevada Legislative Counsel Bureau.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) The following section of the Nevada Air Quality Regulations was adopted on the date listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(i) September 16, 1976, effective date December 4, 1976: 445B.172, "Six-Minute Period defined."

(2) The following section of Chapter 445 of the Nevada Administrative Code was adopted on the date listed below and recodified as Chapter 445B of the Nevada Administrative Code in November 1994:

(i) November 3, 1993: 445B.190, "Stop order defined."

(3) The following sections of Chapter 445B of the Nevada Administrative Code were adopted on the dates listed below:

(i) October 3, 1995: 445B.225, "Prohibited conduct: Concealment of emissions;" and 445B.229, "Hazardous emissions: Order for reduction or discontinuance."

(ii) August 19, 2004, effective date September 24, 2004: 445B.001, "Definitions;" 445B.22043, "Sulfur emissions: Exceptions for stationary sources;"

Environmental Protection Agency

§52.1470

and 445B.2205, “Sulfur emissions: Other processes which emit sulfur.”

(iii) October 4, 2005: 445B.063, “Excess emissions defined;” 445B.153, “Regulated air pollutant defined;” 445B.22017, “Visible emissions: Maximum opacity; determination and monitoring of opacity;” 445B.2202, “Visible emissions: Exceptions for stationary sources;” and 445B.22093, “Organic solvents and other volatile compounds.”

(iv) March 8, 2006: 445B.275, “Violations: Acts constituting; notice;” and 445B.277, “Stop orders.”

(v) September 6, 2006: 445B.220, “Severability.”

(4) Nevada Revised Statutes (NRS) (2003), chapter 445B, section 445B.310 (“Limitations on enforcement of federal and state regulations concerning indirect sources”).

(67) New or amended regulations were submitted on August 20, 2007 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) Nevada Administrative Code (January 2007 codification by the Legislative Counsel Bureau) section 445B.22083, “Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels;” and section 445B.250, “Notification of Director: Construction, reconstruction and initial start-up; demonstration of continuous monitoring system performance;” adopted by the State Environmental Commission on October 4, 2005.

(68) The following plan revision was submitted on June 3, 1994 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), including the cover page through page 9.

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

(I) State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Ne-

vada (June 1994), appendix 1, appendix 2 (only the certificate of compliance and Nevada attorney general’s opinion), and appendices 3, 6, 8, and 10.

(69) The following plan revision was submitted on November 4, 2005 by the Governor’s designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(I) Rule 040.095, “Oxygen content of motor vehicle fuel,” revised on September 22, 2005.

(i) Washoe County District Board of Health Meeting, September 22, 2005, Public Hearing—Amendments—Washoe County District Board of Health Regulations Governing Air Quality Management; to Wit: Rule 040.095 (Oxygen Content of Motor Vehicle Fuel).

(2) Redesignation Request and Maintenance Plan for the Truckee Meadows Carbon Monoxide Non-Attainment Area (September 2005), excluding appendices B, C, and D.

(70) The following plan revision was submitted on November 2, 2006 by the Governor’s designee.

(i) Incorporation by reference.

(A) Washoe County District Health Department.

(I) Basic I/M Performance Standard, excluding appendices A through D.

(i) Washoe County District Board of Health Meeting, September 28, 2006, Public Hearing—State Implementation Plan (SIP)—“Basic Program—Inspection and Maintenance (I/M) of Motor Vehicles—Truckee Meadows Planning Area, Nevada;” to Wit: Basic Inspection and Maintenance (I/M) Performance Standard.

(ii) Additional material.

(A) Washoe County District Health Department.

(I) Basic I/M Performance Standard, appendices A through D.

(71) The following plan revision was submitted on May 11, 2007 by the Governor’s designee.

(i) Incorporation by reference.

(A) Nevada Division of Environmental Protection.

(I) New or amended statutes related to mobile sources, including Nevada’s vehicle inspection and maintenance program in Las Vegas Valley/Boulder

City and Truckee Meadows: Nevada Revised Statutes (2005), chapter 365, section 365.060, “Motor vehicle fuel defined;” chapter 366, section 366.060, “Special fuel defined;” chapter 445B, sections 445B.210, “Powers of Commission,” 445B.700, “Definitions,” 445B.705, “Approved inspector defined,” 445B.710, “Authorized inspection station defined,” 445B.715, “Authorized maintenance station defined,” 445B.720, “Authorized station defined,” 445B.725, “Commission defined,” 445B.730, “Evidence of compliance defined,” 445B.735, “Fleet station defined,” 445B.737, “Heavy-duty motor vehicle defined,” 445B.740, “Light-duty motor vehicle defined,” 445B.745, “Motor vehicle defined,” 445B.747, “Motor vehicle fuel defined,” 445B.750, “Passenger car defined,” 445B.755, “Pollution control device defined,” 445B.757, “Special fuel defined,” 445B.758, “Used motor vehicle defined,” 445B.759, “Inapplicability to military tactical vehicles,” 445B.760, “Authority of Commission to prescribe standards for emissions from mobile internal combustion engines; trimobiles; standards pertaining to motor vehicles to be approved by Department of Motor Vehicles,” 445B.765, “Information concerning program for control of emissions from motor vehicles: Collection, interpretation and correlation; public inspection,” 445B.770, “Regulations of Commission: Control of emissions from motor vehicles; program for inspection and testing of motor vehicles,” 445B.775, “Regulations of Commission: Requirements for licensing of stations by Department of Motor Vehicles,” 445B.780, “Program for regulation of emissions from heavy-duty motor vehicles; equipment used to measure emissions; waiver from requirements of program,” 445B.785, “Regulations of Department of Motor Vehicles: Licensing of stations; performance of inspection and issuance of evidence of compliance; diagnostic equipment; fee, bond or insurance; informational pamphlet; distribution,” 445B.790, “Regulations concerning inspection of stations; grounds for denial, suspension or revocation of license of inspector or station,” 445B.795, “Compulsory program for control of emissions: Limitations,” 445B.798, “Authority of Department of Motor Vehicles,

in larger counties, to conduct test of emissions from motor vehicle being operated on highway,” 445B.800, “Evidence of compliance: Requirements for registration, sale or long-term lease of used vehicles in certain counties,” 445B.805, “Evidence of compliance: Exemptions from requirements,” 445B.810, “State Department of Conservation and Natural Resources to provide assistance,” 445B.815, “Evidence of compliance: Duty of employees and agents of Department of Motor Vehicles; submission by owner or lessee of fleet,” 445B.820, “Installation and inspection of pollution control device,” 445B.825, “Exemption of certain classes of motor vehicles; waiver from provisions of NRS 445B.770 to 445B.815, inclusive,” 445B.830, “Fees to be paid to Department of Motor Vehicles; Pollution Control Account; expenditure of money in Account; quarterly distributions to local governments; annual reports by local governments; grants; creation and duties of advisory committee; submission and approval of proposed grants,” 445B.832, “Surcharge for electronic transmission of information: Authority to impose; inclusion as separate entry on form certifying emission control compliance; definition,” 445B.834, “Additional fee for form certifying emission control compliance: Retention of portion of fee by station performing inspection; definition,” 445B.835, “Administrative fine; hearing; additional remedies to compel compliance,” 445B.840, “Unlawful acts,” and 445B.845, “Criminal penalty; enforcement of provisions by peace officer; mitigation of offense;” chapter 481, sections 481.019, “Creation; powers and duties,” 481.023, “Administration of laws by Department; exceptions,” 481.027, “General functions of Department of Motor Vehicles and Department of Transportation respecting state highways,” 481.031, “Office of Director of Department created,” 481.035, “Director of Department: Appointment; classification; other employment prohibited; employment of deputies and staff,” 481.047, “Appointment of personnel,” 481.0473, “Divisions of Department,” 481.0475, “Duties of Administrative Services Division,” 481.048, “Division of Compliance Enforcement: Appointment and duties of investigators,”

481.0481, "Section for Control of Emissions From Vehicles and Enforcement of Matters Related to Use of Special Fuel: Creation; appointment and duties of investigators, officers and technicians," 481.051, "Powers and duties of Director: Generally," 481.0515, "Powers and duties of Director: References to names of persons in documents and records," 481.052, "Powers and duties of Director: Adoption of definition of 'seasonal resident' by regulation," 481.0535, "Powers and duties of Director: Expenditure of appropriations to assist certain entities to purchase and obtain evidence; receipt and safekeeping of money," 481.055, "Department to keep main office in Carson City; maintenance of branch offices," 481.057, "Offices of Department: Extended hours of operation," 481.063, "Collection and deposit of fees for publications of Department and private use of files and records of Department; limitations on release and use of files and records; regulations," 481.065, "Acceptance of donations for programs for traffic safety," 481.079, "Money collected to be deposited in Motor Vehicle Fund; exception; dishonored payments; adjustment of deposits," 481.081, "Arrearage in tax, fee or assessment administered by Department: Department authorized to file certificate; certificate as lien; extension of lien," 481.082, "Arrearage in tax, fee or assessment administered by Department: Release or subordination of lien; certificate issued by Department as conclusive evidence," 481.083, "Money for administration of chapter; claims," and 481.087, "Administrative expenses deemed cost of administration of operation of motor vehicles on public highways;" chapter 482, sections 482.029, "Electric personal assistive mobility device defined," 482.155, "Enforcement of provisions of chapter by Department, its officers and peace officers," 482.160, "Administrative regulations; branch offices; appointment of agents and designation of county assessor as agent; compensation of certain agents," 482.162, "Department to adopt regulations setting forth criteria for determination of whether person is farmer or rancher; presentation of evidence to Department," 482.165, "Director to provide forms," 482.170, "Records of Department concerning registration

and licensing," 482.171, "List of registered owners to be provided for selection of jury; reimbursement of Department," 482.173, "Schedule for retention and disposition of certain records of Department," 482.175, "Validity of registration: Powers and duties of Department and registered dealers," 482.180, "Motor Vehicle Fund: Creation; deposits; interest and income; dishonored payments; distribution of money collected for basic governmental services tax; transfers," 482.1805, "Revolving Account for Issuance of Special License Plates: Creation; deposit of certain fees; use of money in Account; transfer of excess balance to State Highway Fund," 482.181, "Governmental services taxes: Certification of amount collected each month; distribution," 482.183, "Motor Vehicle Revolving Account: Creation; use; deposits," 482.186, "Certain odometers deemed to register mileage reflected on odometer plus 100,000 miles," 482.187, "Department authorized to enter into written agreements for periodic payment of delinquent taxes or fees; regulations," 482.188, "Waiver of penalty or interest for failure timely to file return or pay tax, penalty or fee in certain circumstances," 482.205, "Registration required for certain vehicles," 482.206, "Periods of registration for motor vehicles; exceptions," 482.208, "Registration of leased vehicles by long-term lessor or long-term lessee," 482.210, "Exemptions from registration," 482.215, "Application for registration," 482.216, "Department may authorize new vehicle dealer to accept applications for registration and transfer of registration of new motor vehicles and to issue certificates of registration; duties of dealer; prohibited acts; regulations," 482.220, "Application for specially constructed, reconstructed, rebuilt or foreign vehicle; certificate of inspection; charge for inspection," 482.225, "Collection of sales or use tax upon application for registration of certain vehicles purchased outside this State; payment of all applicable taxes

and fees required for registration; refund of tax erroneously or illegally collected,” 482.230, “Grounds requiring refusal of registration,” 482.235, “Registration indexes and records; assignment of registration number by registered dealer,” 482.240, “Issuance of certificates of registration and title by Department or registered dealer; period of validity of certificate,” 482.245, “Contents of certificates of registration and title,” 482.255, “Placement of certificate of registration; surrender upon demand of peace officer, justice of the peace or deputy of Department; limitation on conviction,” 482.260, “Duties of Department of Motor Vehicles and its agents relative to registration of vehicle; issuance of certificate of title; fees and taxes,” 482.265, “License plates issued upon registration; stickers, tabs or other devices issued upon renewal of registration; return of plates; fee for and limitations on issuance of special license plates,” 482.266, “Manufacture of license plates substantially similar to license plates issued before January 1, 1982: Written request; fee; delivery; duties of Department; retention of old plates authorized if requested plates contain same letters and numbers,” 482.267, “License plates: Production at facility of Department of Corrections,” 482.268, “License plates: Additional fee for issuance; deposit of fee,” 482.270, “License plates: General specifications; redesign; configuration of special license plates designed, prepared and issued pursuant to process of direct application and petition,” 482.2703, “License plates: Samples; form; fee; penalty,” 482.2705, “License plates: Passenger cars and trucks,” 482.271, “License plates: Decals; fees,” 482.2715, “License plates: Registrant entitled to maintain code if continuously renewed; exceptions; issuance of replacement plates with same code after expiration of registration; fee,” 482.2717, “License plates to be issued to automobile wreckers and operators of salvage pools,” 482.272, “License plates: Motorcycles,” 482.274, “License plates: Trailers,” 482.275, “License plates: Display,” 482.280, “Expiration and renewal of registration,” 482.2805, “Department not to renew registration if local authority has filed notice of nonpayment pursu-

ant to NRS 484.444; fee for service performed by Department,” 482.2807, “Requirements for registration if local government has filed notice of nonpayment pursuant to NRS 484.444,” 482.281, “Authority of Department of Motor Vehicles to allow authorized inspection station or authorized station to renew certificates of registration; adoption of regulations,” 482.283, “Change of name or place of residence: Notice to Department required; timing and contents of notice,” 482.285, “Certificates, decals and number plates: Illegibility, loss, mutilation or theft; obtaining of duplicates or substitutes; fees and taxes,” 482.290, “Assignment and recording of new number for identification of vehicle if old number destroyed or obliterated; fee; penalty for willful defacement, alteration, substitution or removal of number with intent to defraud,” 482.385, “Registration of vehicle of nonresident owner not required; exceptions; registration of vehicle by person upon becoming resident of this State; penalty; taxes and fees; surrender or nonresident license plates and registration certificate; citation for violation,” 482.461 “Failure of mandatory test of emissions from engines; notification; cost of inspection,” 482.565, “Administrative fines for violations other than deceptive trade practices; injunction or other appropriate remedy; enforcement proceedings,” and chapter 484, sections 484.101, “Passenger car defined,” 484.644, “Device for control of pollution: Use required; disconnection or alteration prohibited; exceptions,” and 484.6441, “Device for control of pollution: Penalty; proof of conformity may be required.”

(2) New or amended rules related to mobile sources, including Nevada’s vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), sections 445B.400, “Scope,” 445B.401, “Definitions,” 445B.403, “Approved inspector defined,” 445B.4045, “Authorized inspection station defined,” 445B.405, “Authorized station defined,” 445B.408, “Carbon monoxide defined,” 445B.409, “Certificate of compliance defined,” 445B.4092, “Certified on-board diagnostic system defined,”

445B.4096, "Class 1 approved inspector defined," 445B.097, "Class 1 fleet station defined," 445B.098, "Class 2 approved inspector defined," 445B.4099, "Class 2 fleet station defined," 445B.410, "CO₂ defined," 445B.411, "Commission defined," 445B.413, "Department defined," 445B.415, "Director defined," 445B.416, "Emission defined," 445B.418, "EPA defined," 445B.419, "Established place of business defined," 445B.420, "Evidence of compliance defined," 445B.421, "Exhaust emissions defined," 445B.422, "Exhaust gas analyzer defined," 445B.424, "Fleet station defined," 445B.4247, "Gross vehicle weight rating defined," 445B.426, "Heavy-duty motor vehicle defined," 445B.427, "Hydrocarbon defined," 445B.428, "Hz defined," 445B.432, "Light-duty motor vehicle defined," 445B.433, "Mini motor home defined," 445B.434, "Motor home defined," 445B.435, "Motor vehicle defined," 445B.440, "New motor vehicle defined," 445B.442, "Opacity defined," 445B.443, "Person defined," 445B.444, "ppm defined," 445B.449, "Smoke defined," 445B.450, "Special mobile equipment defined," 445B.451, "Standard defined," 445B.4515, "State electronic data transmission system defined," 445B.452, "Tampering defined," 445B.4525, "Test station defined," 445B.453, "Truck defined," 445B.454, "Used motor vehicle defined," 445B.455, "Van conversion defined," 445B.4553, "Vehicle inspection report defined," 445B.4556, "Vehicle inspection report number defined," 445B.456, "Severability," 445B.460, "Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location," 445B.461, "Compliance by Federal Government, state agencies and political subdivisions," 445B.462, "Test station: Application for license to operate; inspection of premises; issuance of license," 445B.463, "Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license," 445B.464, "Test station: Hearing concerning denial, suspension or revocation of license," 445B.465, "Authorized station or authorized inspection station: Requirements for bond or deposit," 445B.466, "Authorized station or authorized in-

spection station: Liability under bond or deposit; suspension and reinstatement of licenses," 445B.467, "Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit," 445B.468, "Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit," 445B.469, "Authorized station or authorized inspection station: Posting of signs and placards," 445B.470, "Test station: Display of licenses; availability of reference information," 445B.471, "Test station: Advertising; provision by Department of certain informational material for public," 445B.472, "Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers," 445B.473, "Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports," 445B.474, "Test station: Failure to employ approved inspector," 445B.475, "Authorized station or class 2 fleet station: Requirements for employees," 445B.476, "Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license," 445B.478, "Fleet station: Licensing; powers and duties," 445B.480, "Test station: Requirements concerning business hours," 445B.485, "Prerequisites to licensing," 445B.486, "Examination of applicants for licensing," 445B.487, "Denial of license," 445B.489, "Grounds for denial, suspension or revocation of license," 445B.490, "Hearing on suspension or revocation of license," 445B.491, "Temporary suspension or refusal to renew license," 445B.492, "Duration of suspension; surrender of license," 445B.493, "Limitation on reapplication after revocation or denial of license; surrender of revoked license; permanent revocation of license," 445B.495, "Contents of license," 445B.496, "Expiration of license," 445B.497, "Requirements for renewal of license," 445B.498, "Performance of emission inspection without license prohibited; expiration of license; license ratings," 445B.4983, "Issuance of access code to approved inspector; use of access code and identification number," 445B.4985, "Violations," 445B.499, "Fees," 445B.501, "Report of change in place of employment or termination of

employment,” 445B.502, “Submission of certificate of employment to report change,” 445B.5049, “Connection to state electronic data transmission system,” 445B.505, “Availability of list of approved analyzers and their specifications,” 445B.5052, “Approved analyzer: Use and equipment; deactivation by Department,” 445B.5055, “Revocation of approval of analyzer,” 445B.5065, “Manufacturer of approved analyzer: Required warranty,” 445B.5075, “Manufacturer of approved analyzer: Required services; administrative fine for violations,” 445B.575, “Device to control pollution: General requirement; alteration or modification,” 445B.576, “Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines,” 445B.577, “Devices used on stationary rails: Restrictions on visible emissions,” 445B.578, “Exceptions to restrictions on visible emissions,” 445B.579, “Inspection of vehicle: Devices for emission control required,” 445B.580, “Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer,” 445B.5805, “Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer,” 445B.581, “Inspection of vehicle: Place and equipment for performance,” 445B.5815, “Inspection of vehicle: Certified on-board diagnostic systems,” 445B.582, “Repair of vehicle; reinspection or testing,” 445B.583, “Evidence of compliance: Purpose; records,” 445B.584, “Evidence of compliance: Purchase of vehicle inspection report numbers,” 445B.585, “Evidence of compliance: Issuance by approved inspector,” 445B.586, “Evidence of compliance: Return of fee,” 445B.587, “Test of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity,” 445B.588, “Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment,” 445B.589, “Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap,” 445B.5895, “Dissemination of list of authorized stations,” 445B.590, “Waiver of standards for emissions,” 445B.591, “Form for registration of vehicle in area where inspection of

vehicle not required,” 445B.5915, “Requirements for registration of vehicle temporarily being used and maintained in another state,” 445B.592, “Applicability of certain standards for emissions and other requirements,” 445B.593, “Evidence of compliance required for certain vehicles based in Clark County,” 445B.594, “Evidence of compliance required for certain vehicles based in Washoe County,” 445B.595 (excluding subsection(2)), “Inspections of vehicles owned by State or political subdivisions or operated on federal installations,” 445B.596, “Standards for emissions,” 445B.598, “Imposition and statement of fee for inspection and testing; listing of stations and fees,” 445B.599, “Prescription and notice of maximum fees for inspections and testing,” 445B.600, “Procedure for setting new fee,” 445B.601, “Concealment of emissions prohibited,” 445B.6115, “Exemption of vehicle from certain provisions,” 445B.6125, “Certification of vehicle for exemption,” 445B.7015, “Annual and additional inspections,” 445B.7025, “Alteration of emission control system of vehicle used to conduct inspection,” 445B.7035, “Preliminary written notice of violation; reinspection of vehicle,” 445B.7045, “Administrative fines and other penalties for certain violations,” 445B.727, “Administrative fines and other penalties,” and 445B.735, “Program for licensure to install, repair and adjust devices for control of emissions.”

(3) Previously approved on July 3, 2008, in paragraph (c)(71)(i)(A)(2) of this section and now deleted from the SIP without replacement: Nevada Administrative Code (NAC) section: 445B.461(3)(d).

(4) New or amended rules related to mobile sources, including Nevada’s vehicle inspection and maintenance program in Las Vegas Valley/Boulder City and Truckee Meadows: Nevada Administrative Code, chapter 445B (January 2007 revision by the Legislative Counsel Bureau), paragraphs (a), (b), and (c) of subsection (2) of section 445B.595, “Inspections of vehicles owned by State or political subdivisions or operated on federal installations.”

(ii) Additional material.

(A) Nevada Division of Environmental Protection.

Environmental Protection Agency

§52.1471

(1) Correspondence dated March 6, 2007 from the Nevada Department of Motor Vehicles to the Nevada Division of Environmental Protection describing an upgrade to the NV2000 emission analyzer to make emissions testing possible on motor vehicles containing a certified on-board diagnostic system which uses controller area network communication.

(72) The following plan revision was submitted on April 1, 2008, by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Clark County Transportation Conformity Plan (January 2008), adopted by the Clark County Board of County Commissioners on January 15, 2008.

(73) The following plan revision was submitted on September 18, 2008, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Resolution of the Clark County Board of Commissioners Adopting the Clark County Carbon Monoxide Redesignation Request and Maintenance Plan, adopted by the Clark County Board of Commissioners on September 2, 2008.

(B) Carbon Monoxide Redesignation Request and Maintenance Plan, Las Vegas Valley Nonattainment Area, Clark County, Nevada (September 2008), adopted by the Clark County Board of Commissioners on September 2, 2008 (excluding the appendices).

(74) The following plan revision was submitted on March 26, 2010 by the Governor's designee.

(i) Incorporation by reference.

(A) Clark County Department of Air Quality and Environmental Management.

(1) Clark County Board of County Commissioners, Ordinance No. 3809,

“An Ordinance to Suspend the Applicability and Enforceability of All Provisions of Clark County Air Quality Regulation Section 54, the Cleaner Burning Gasoline Wintertime Program; and Provide for Other Matters Properly Relating Thereto,” adopted September 15, 2009, effective (for state purposes) on September 29, 2009.

(B) Nevada Department of Agriculture.

(1) Nevada Board of Agriculture, Adopted Regulation of the State Board of Agriculture LCB File No. R111-08, including an amended version of Nevada Administrative Code (NAC) section 590.065, effective (for state purposes) on January 28, 2010, (excluding newly designated subsection (7) of NAC section 590.065).

(75) The following plan revision was submitted on August 30, 2010, by the Governor's designee.

(i) [Reserved]

(ii) Additional material.

(A) Letter from Anthony Lesperance, Director, Nevada Department of Nevada, to Lewis Wallenmeyer, Director, Clark County Department of Air Quality and Environmental Management, dated June 22, 2010, setting forth the Nevada Department of Agriculture's commitment to seek reinstatement of the Low RVP wintertime gasoline requirement in Clark County if necessary under the Las Vegas Valley Carbon Monoxide Maintenance Plan to address future carbon monoxide violations.

[37 FR 10878, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §52.1470, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§52.1471 Classification of regions.

The Nevada plan is evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Las Vegas Intrastate	I	IA	III	I	I
Northwest Nevada Intrastate	I	III	III	III	III
Nevada Intrastate	IA	IA	III	III	III

[45 FR 7545, Feb. 4, 1980]

§ 52.1472 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Nevada's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act.

(b) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph.

(1) Mason Valley/Fernley Area for TSP.

(2) Lower Reese River Valley/Clovers Area for TSP.

(3) Carson Desert for TSP.

(4) Winnemucca Segment for TSP.

(5) Truckee Meadows for TSP and CO.

(6) Las Vegas Valley for TSP and CO.

(7) Lake Tahoe Basin for CO.

(c) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in the 1977, for the nonattainment areas listed in this paragraph. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the State Implementation Plan (SIP) depends on the adoption and submittal by January 1, 1981 of reasonably available control technology (RACT) requirements for sources covered by Control Technique Guidelines (CTG's) published between January 1978 and January 1979.

(1) Truckee Meadows for O₃.

(2) Las Vegas Valley for O₃.

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 27069, June 23, 1982]

§ 52.1473 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met in Washoe County, since the plan does not provide procedures for making emission data, as correlated with allowable emissions, available to the public. In addition, Chapter 020.065 of the "Air Pollution Control Regulations" of the District Board of Health of Washoe County in the Northwest Nevada Intrastate Region is disapproved since it contains provisions which restrict the public availability of emission data as cor-

related with applicable emission limitations and other control measures.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control

Environmental Protection Agency

§52.1479

measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[37 FR 10878, May 31, 1972, as amended at 37 FR 15086, July 27, 1972; 38 FR 12708, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 1342, Jan. 24, 1978; 51 FR 40676, Nov. 7, 1986]

§52.1474 Part D conditional approval.

(a) The following portions of the Nevada SIP contain deficiencies with respect to Part D of the Clean Air Act which must be corrected within the time limit indicated.

(1)–(4) [Reserved]

[46 FR 21766, Apr. 14, 1981, as amended at 47 FR 15792, Apr. 13, 1982; 47 FR 27069, June 23, 1982; 49 FR 6900, Feb. 24, 1984]

§52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986; 72 FR 32531, June 13, 2007]

§52.1476 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter*; Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates*, from the Nevada Control Strategy, submitted on October 7, 1976.

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

[37 FR 10877, May 31, 1972, as amended at 45 FR 8011, Feb. 6, 1980; 46 FR 43142, Aug. 27, 1981; 51 FR 40676, Nov. 7, 1986]

§52.1477 Nevada air pollution emergency plan.

Section 6.1.5 of the Emergency Episode Plan submitted on December 29, 1978 is disapproved since termination of the episode is left to the discretion of the Control Officer and not specified criteria and it does not meet the requirements of 40 CFR 51.16 and Appendix L. The old rule 6.1.5 submitted on January 28, 1972 is retained.

[45 FR 46385, July 10, 1980]

§52.1478 Extensions.

The Administrator, by the authority delegated under section 186(a)(4) of the Clean Air Act as amended in 1990, hereby extends for one year, until December 31, 1996, the attainment date for the Clark County (Las Vegas Valley), Nevada carbon monoxide nonattainment area.

[61 FR 57333, Nov. 6, 1996]

§52.1479 Source surveillance.

(a) The requirements of §51.211 of this chapter are not met, except in Clark County, since the plan does not provide adequate legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report, information on the nature and amount of emissions.

§§ 52.1480–52.1481

40 CFR Ch. I (7–1–11 Edition)

(b) The requirements of § 51.214 of this chapter are not met since the plan does not provide adequate legally enforceable procedures to require stationary sources subject to emission standards to submit information relating to emissions and operation of the emission monitors to the State as specified in Appendix P of part 51.

[37 FR 10878, May 31, 1972, as amended at 38 FR 12709, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 36933, Aug. 21, 1978; 51 FR 40677, Nov. 7, 1986]

Source	Location	Regulation involved	Date of adoption
Jack N. Tedford, Inc	Fallon	Not given	Aug. 14, 1972.
Basic, Inc	Gabbs	Article 4	Feb. 13, 1973.
		Article 7	June 26, 1973.
Duval Corp	Battle Mountain	Article 5	Feb. 13, 1973.
Mohave Generating Station, Southern California Edison Co.	Laughlin	Clark County, Section 16.	Jan. 11, 1973.
		Section 26	July 17, 1973.

[39 FR 14209, Apr. 22, 1974, as amended at 40 FR 3995, Jan. 27, 1975; 51 FR 40676, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.1483 Malfunction regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from applicable emission limitations under certain situations and therefore they do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Clark County District Board of Health

(i) Previously approved on May 14, 1973 and deleted without replacement on August 27, 1981: Section 12 (Upset, Breakdown, or Scheduled Maintenance).

(ii) Section 25, Rule 25.1, submitted by the Governor on July 24, 1979.

(iii) Section 25, Rules 25.1–25.1.4, submitted by the Governor on November 17, 1981.

[49 FR 10259, Mar. 20, 1984, as amended at 69 FR 54019, Sept. 7, 2004]

§ 52.1484 [Reserved]

§ 52.1485 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan, except as it applies to the Clark County Health District, does not include approvable pro-

§§ 52.1480–52.1481 [Reserved]

§ 52.1482 Compliance schedules.

(a)–(b) [Reserved]

(c) The compliance schedule revisions submitted for the sources identified below are disapproved as not meeting the requirement of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

cedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are incorporated and made a part of the applicable State plan for the State of Nevada except for that portion applicable to the Clark County Health District.

(c) All applications and other information required pursuant to § 52.21 from sources located in the jurisdiction of the State of Nevada shall be submitted to the Director, Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, Nevada instead of the EPA Region 9 Office.

[47 FR 26621, June 21, 1982, as amended at 48 FR 28271, June 21, 1983; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

§ 52.1486 Control strategy: Hydrocarbons and ozone.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for ozone in the Las Vegas Intra-state Region (§ 81.80 of this chapter).

[45 FR 67347, Oct. 10, 1980, as amended at 51 FR 40676, Nov. 7, 1986]

§ 52.1487 Public hearings.

(a) The requirements of § 51.102 (a) and (e) of this chapter are not met since NAQR, Article 2.11.4.2 allows variances (compliance schedules), to be renewed without a public hearing, thus allowing further postponement of the final compliance date for sources whose emissions contribute to violations of the national standards. Therefore, NAQR, Article 2.11.4.2 is disapproved.

[43 FR 1343, Jan. 24, 1978, as amended at 51 FR 40675, Nov. 7, 1986]

§ 52.1488 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of § 52.26 are hereby incorporated and made a part of the applicable plan for the State of Nevada. The provisions of § 52.28 are hereby incorporated and made a part of the applicable plan for the State of Nevada except for that portion applicable to the Clark County Department of Air Quality and Environmental Management.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Nevada.

(d) This paragraph (d) is applicable to the Mohave Generating Station located in the Las Vegas Intrastate Air Quality Control Region (§ 81.80 of this chapter).

(1) Definitions.

Administrator means the Administrator of EPA or her/his designee.

Boiler-operating-day shall mean any calendar day in which coal is combusted in the boiler of a unit for more than 12 hours. If coal is combusted for more than 12 but less than 24 hours during a calendar day, the calculation of that day's sulfur dioxide (SO₂) emissions for the unit shall be based solely upon the average of hourly Continuous Emission Monitor System data collected during hours in which coal was combusted in the unit, and shall not include any time in which coal was not combusted.

Coal-fired shall mean the combustion of any coal in the boiler of any unit. If the Mohave Generating Station is converted to combust a fuel other than coal, such as natural gas, it shall not emit pollutants in greater amounts than that allowed by paragraph (d) of this section.

Current owners shall mean the owners of the Mohave Generating Station on December 15, 1999.

Owner or operator means the owner(s) or operator(s) of the Mohave Generating Station to which paragraph (d) of this section is applicable.

Rolling average shall mean an average over the specified period of boiler-operating-days, such that, at the end of the first specified period, a new daily average is generated each successive boiler-operating-day for each unit.

(2) *Emission controls and limitations.* The owner or operator shall install the following emission control equipment, and shall achieve the following air pollution emission limitations for each coal-fired unit at the Mohave Generating Station, in accordance with the deadlines set forth in paragraphs (d) (3) and (4) of this section.

(i) The owner or operator shall install and operate lime spray dryer technology on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall design and construct such lime spray dryer technology to comply with the SO₂ emission limitations, including the percentage reduction and pounds per million BTU in the following requirements:

(A) SO₂ emissions shall be reduced at least 85% on a 90-boiler-operating-day rolling average basis. This reduction efficiency shall be calculated by comparing the total pounds of SO₂ measured at the outlet flue gas stream after the baghouse to the total pounds of SO₂ measured at the inlet flue gas stream to the lime spray dryer during the previous 90 boiler-operating-days.

(B) SO₂ emissions shall not exceed .150 pounds per million BTU heat input on a 365-boiler-operating-day rolling average basis. This average shall be calculated by dividing the total pounds of SO₂ measured at the outlet flue gas stream after the baghouse by the total heat input for the previous 365 boiler-operating-days.

(C) Compliance with the SO₂ percent-age reduction emission limitation above shall be determined using continuous SO₂ monitor data taken from the inlet flue gas stream to the lime spray dryer compared to continuous SO₂ monitor data taken from the outlet flue gas stream after the baghouse for each unit separately. Compliance with the pounds per million BTU limit shall be determined using continuous SO₂ monitor data taken from the outlet flue gas stream after each baghouse. The continuous SO₂ monitoring system shall comply with all applicable law (e.g., 40 CFR Part 75, or such other provisions as may be enacted). The inlet SO₂ monitor shall also comply with the quality assurance-quality control procedures in 40 CFR part 75, appendix B.

(D) For purposes of calculating rolling averages, the first boiler-operating-day of a rolling average period for a unit shall be the first boiler-operating-day that occurs on or after the specified compliance date for that unit. Once the unit has operated the necessary number of days to generate an initial 90 or 365 day average, consistent with the applicable limit, each additional day the unit operates a new 90 or 365 day ("rolling") average is generated. Thus, after the first 90 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the 85 percent sulfur removal limit based on a 90-boiler-operating-day rolling average each subsequent boiler-operating-day. Likewise, after the first 365 boiler-operating-days from the compliance date, the owner or operator must be in compliance with the .150 sulfur limit based on a 365-boiler-operating-day rolling average each subsequent boiler-operating-day.

(E) Nothing in this paragraph (d) shall prohibit the owner or operator from substituting equivalent or superior control technology, provided such technology meets applicable emission limitations and schedules, upon approval by the Administrator.

(ii) The owner or operator shall install and operate fabric filter dust collectors (also known as FFDCs or baghouses), without a by-pass, on Unit 1 and Unit 2 at the Mohave Generating Station. The owner or operator shall

design and construct such FFDC technology (together with or without the existing electrostatic precipitators) to comply with the following emission limitations:

(A) The opacity of emissions shall be no more than 20.0 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack.

(B) In the event emissions from the Mohave Generating Station exceed the opacity limitation set forth in paragraph (d) of this section, the owner or operator shall not be considered in violation of this paragraph if they submit to the Administrator a written demonstration within 15 days of the event that shows the excess emissions were caused by a malfunction (a sudden and unavoidable breakdown of process or control equipment), and also shows in writing within 15 days of the event or immediately after correcting the malfunction if such correction takes longer than 15 days:

(1) To the maximum extent practicable, the air pollution control equipment, process equipment, or processes were maintained and operated in a manner consistent with good practices for minimizing emissions;

(2) Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations would be exceeded or were being exceeded. Individuals working off-shift or overtime were utilized, to the maximum extent practicable, to ensure that such repairs were made as expeditiously as possible;

(3) The amount and duration of excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(4) All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality; and

(5) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

(C) Notwithstanding the foregoing, the owner or operator shall be excused from meeting the opacity limitation during cold startup (defined as the startup of any unit and associated FFDC system after a period of greater than 48 hours of complete shutdown of

that unit and associated FFDC system) if they demonstrate that the failure to meet such limit was due to the breakage of one or more bags caused by condensed moisture.

(D) Compliance with the opacity emission limitation shall be determined using a continuous opacity monitor installed, calibrated, maintained and operated consistent with applicable law (e.g., 40 CFR Part 60, or such other provisions as may be enacted).

(iii) The owner or operator shall install and operate low-NO_x burners and overfire air on Unit 1 and Unit 2 at the Mohave Generating Station.

(3) *Emission control construction deadlines.* The owner or operator shall meet the following deadlines for design and construction of the emission control equipment required by paragraph (d)(2) of this section. These deadlines and the design and construction deadlines set forth in paragraph (d)(4)(iii) of this section are not applicable if the emission limitation compliance deadlines of paragraph (d)(4) of this section are nonetheless met; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005; or coal-fired units at the Mohave Generating Station are not in operation after December 31, 2005 and thereafter recommence operation in accordance with the emission controls and limitations obligations of paragraph (d)(2) of this section.

(i) Issue a binding contract to design the SO₂, opacity and NO_x control systems for Unit 1 and Unit 2 by March 1, 2003.

(ii) Issue a binding contract to procure the SO₂, opacity and NO_x control systems for Unit 1 and Unit 2 by September 1, 2003.

(iii) Commence physical, on-site construction of SO₂ and opacity equipment for Unit 1 and Unit 2 by April 1, 2004.

(iv) Complete construction of SO₂, opacity and NO_x control equipment and complete tie in for first unit by July 1, 2005.

(v) Complete construction of SO₂, opacity and NO_x control equipment and complete tie in for second unit by December 31, 2005.

(4) *Emission limitation compliance deadlines.* (i) The owner's or operator's obligation to meet the SO₂ and opacity

emission limitations and NO_x control obligations set forth in paragraph (d)(2) of this section shall commence on the dates listed below, unless subject to a force majeure event as provided for in paragraph (d)(7) of this section:

(A) For one unit, January 1, 2006; and

(B) For the other unit, April 1, 2006.

(ii) The unit that is to meet the emission limitations by April 1, 2006 may only be operated after December 31, 2005 if the control equipment set forth in paragraph (d)(2) of this section has been installed on that unit and the equipment is in operation. However, the control equipment may be taken out of service for one or more periods of time between December 31, 2005 and April 1, 2006 as necessary to assure its proper operation or compliance with the final emission limits.

(iii) If the current owners' entire (i.e., 100%) ownership interest in the Mohave Generating Station is sold either contemporaneously, or separately to the same person or entity or group of persons or entities acting in concert, and the closing date or dates of such sale occurs on or before December 30, 2002, then the emission limitations set forth in paragraph (d)(2) of this section shall become effective for one unit three years from the date of the last closing, and for the other unit three years and three months from the date of the last closing. With respect to interim construction deadlines, the owner or operator shall issue a binding contract to design the SO₂, opacity and NO_x control systems within six months of the last closing, issue a binding contract to procure such systems within 12 months of such closing, commence physical, on-site construction of SO₂ and opacity control equipment within 19 months of such closing, and complete installation and tie-in of such control systems for the first unit within 36 months of the last closing and for the second unit within 39 months of the last closing.

(5) *Interim emission limits.* (i) For the period of time between the date of the consent decree (December 15, 1999) and the date on which each unit must commence compliance with the final emission limitations set forth in paragraph (d)(2) of this section ("interim period"), the following SO₂ and opacity emission limits shall apply:

(i) SO₂: SO₂ emissions shall not exceed 1.0 pounds per million BTU of heat input calculated on a 90-boiler-operating-day rolling average basis for each unit;

(ii) Opacity: The opacity of emissions shall be no more than 30 percent, as averaged over each separate 6-minute period within an hour, beginning each hour on the hour, measured at the stack, with no more than 375 exceedances of 30 percent allowed per calendar quarter (including any prorated portion thereof), regardless of reason. If the total number of excess opacity readings from the date of the consent decree (December 15, 1999) to the time the owner or operator demonstrates compliance with the final opacity limit in paragraph (d)(2) of this section, divided by the total number of quarters in the interim period (with a partial quarter included as a fraction), is equal to or less than 375, the owner or operator shall be in compliance with this interim limit.

(6) *Reporting.* (i) Commencing on January 1, 2001, and continuing on a bi-annual basis through April 1, 2006, or such earlier time as the owner or operator demonstrates compliance with the final emission limits set forth in paragraph (d)(2) of this section, the owner or operator shall provide to the Administrator a report that describes all significant events in the preceding six month period that may or will impact the installation and operation of pollution control equipment described in this paragraph, including the status of a full or partial sale of the Mohave Generating Station based upon non-confidential information. The owner's or operator's bi-annual reports shall also set forth for the immediately preceding two quarters: all opacity readings in excess of 30 percent, and all SO₂ 90-boiler-operating-day rolling averages in BTUs for each unit for the preceding two quarters.

(ii) Within 30 days after the end of the first calendar quarter for which the emission limitations in paragraph (d)(2) of this section first take effect, but in no event later than April 30, 2006, the owner or operator shall provide to the Administrator on a quarterly basis the following information:

(A) The percent SO₂ emission reduction achieved at each unit during each 90-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter. This report shall also include a list of the days and hours excluded for any reason from the determination of the owner's or operator's compliance with the SO₂ removal requirement.

(B) All opacity readings in excess of 20.0 percent, and a statement of the cause of each excess opacity reading and any documentation with respect to any claimed malfunction or bag breakage.

(C) Each unit's 365-boiler-operating-day rolling average for each boiler-operating-day in the prior quarter following the first full 365 boiler-operating-days after the .150 pound SO₂ limit in paragraph (d)(2) of this section takes effect.

(7) *Force majeure provisions.* (i) For the purpose of this paragraph (d), a "force majeure event" is defined as any event arising from causes wholly beyond the control of the owner or operator or any entity controlled by the owner or operator (including, without limitation, the owner's or operator's contractors and subcontractors, and any entity in active participation or concert with the owner or operator with respect to the obligations to be undertaken by the owner or operator pursuant to paragraph (d)), that delays or prevents or can reasonably be anticipated to delay or prevent compliance with the deadlines in paragraphs (d)(3) and (4) of this section, despite the owner's or operator's best efforts to meet such deadlines. The requirement that the owner or operator exercise "best efforts" to meet the deadline includes using best efforts to avoid any force majeure event before it occurs, and to use best efforts to mitigate the effects of any force majeure event as it is occurring, and after it has occurred, such that any delay is minimized to the greatest extent possible.

(ii) Without limitation, unanticipated or increased costs or changed financial circumstances shall not constitute a force majeure event. The absence of any administrative, regulatory, or legislative approval shall not

constitute a force majeure event, unless the owner or operator demonstrates that, as appropriate to the approval: they made timely and complete applications for such approval(s) to meet the deadlines set forth in paragraph (d)(3) of this section or paragraph (d)(4) of this section; they complied with all requirements to obtain such approval(s); they diligently sought such approval; they diligently and timely responded to all requests for additional information; and without such approval, the owner or operator will be required to act in violation of law to meet one or more of the deadlines in paragraph (d)(3) of this section or paragraph (d)(4) of this section.

(iii) If any event occurs which causes or may cause a delay by the owner or operator in meeting any deadline in paragraphs (d) (3) or (4) of this section and the owner or operator seeks to assert the event is a force majeure event, the owner or operator shall notify the Administrator in writing within 30 days of the time the owner or operator first knew that the event is likely to cause a delay (but in no event later than the deadline itself). The owner or operator shall be deemed to have notice of any circumstance of which their contractors or subcontractors had notice, provided that those contractors or subcontractors were retained by the owner or operator to implement, in whole or in part, the requirements of paragraph (d) of this section. Within 30 days of such notice, the owner or operator shall provide in writing to the Administrator a report containing: an explanation and description of the reasons for the delay; the anticipated length of the delay; a description of the activity(ies) that will be delayed; all actions taken and to be taken to prevent or minimize the delay; a timetable by which those measures will be implemented; and a schedule that fully describes when the owner or operator proposes to meet any deadlines in paragraph (d) of this section which have been or will be affected by the claimed force majeure event. The owner or operator shall include with any notice their rationale and all available documentation supporting their claim that the delay was or will be attributable to a force majeure event.

(iv) If the Administrator agrees that the delay has been or will be caused by a force majeure event, the Administrator and the owner or operator shall stipulate to an extension of the deadline for the affected activity(ies) as is necessary to complete the activity(ies). The Administrator shall take into consideration, in establishing any new deadline(s), evidence presented by the owner or operator relating to weather, outage schedules and remobilization requirements.

(v) If the Administrator does not agree in her sole discretion that the delay or anticipated delay has been or will be caused by a force majeure event, she will notify the owner or operator in writing of this decision within 20 days after receiving the owner's or operator's report alleging a force majeure event. If the owner or operator nevertheless seeks to demonstrate a force majeure event, the matter shall be resolved by the Court.

(vi) At all times, the owner or operator shall have the burden of proving that any delay was caused by a force majeure event (including proving that the owner or operator had given proper notice and had made "best efforts" to avoid and/or mitigate such event), and of proving the duration and extent of any delay(s) attributable to such event.

(vii) Failure by the owner or operator to fulfill in any way the notification and reporting requirements of this Section shall constitute a waiver of any claim of a force majeure event as to which proper notice and/or reporting was not provided.

(viii) Any extension of one deadline based on a particular incident does not necessarily constitute an extension of any subsequent deadline(s) unless directed by the Administrator. No force majeure event caused by the absence of any administrative, regulatory, or legislative approval shall allow the Mohave Generating Station to operate after December 31, 2005, without installation and operation of the control equipment described in paragraph (d)(2) of this section.

(ix) If the owner or operator fails to perform an activity by a deadline in paragraphs (d)(3) or (4) of this section due to a force majeure event, the owner or operator may only be excused from

§ 52.1489

performing that activity or activities for that period of time excused by the force majeure event.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987; 67 FR 6133, Feb. 8, 2002; 69 FR 54019, Sept. 7, 2004]

§ 52.1489 Particulate matter (PM-10) Group II SIP commitments.

(a) On March 29, 1989, the Air Quality Officer for the State of Nevada submitted a revision to the State Implementation Plan for Battle Mountain that contains commitments, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(b) The Nevada Division of Environmental Protection has committed to comply with the PM-10 Group II, State Implementation Plan (SIP) requirements.

[55 FR 18111, May 1, 1990]

Subpart EE—New Hampshire

§ 52.1519 Identification of plan—conditional approval.

(a) The following plan revisions were submitted on the dates specified.

(1) On January 12, 1993, the New Hampshire Department of Environmental Services submitted a small business stationary source technical and environmental compliance assistance program (PROGRAM). On May 19, 1994, New Hampshire submitted a letter deleting portions of the January 12, 1993 submittal. In these submissions, the State commits to designate a state agency to house the small business ombudsman and to submit adequate legal authority to establish and implement a compliance advisory panel and a small business ombudsman. Additionally, the State commits to have a fully operational PROGRAM by November 15, 1994.

(i) Incorporation by reference.

(A) Letter from the New Hampshire Department of Environmental Services dated January 12, 1993 submitting a revision to the New Hampshire State Implementation Plan.

(B) State Implementation Plan Revision for a Small Business Technical

40 CFR Ch. I (7–1–11 Edition)

and Environmental compliance Assistance Program dated January 12, 1993.

(C) Letter from the New Hampshire Department of Environmental Services dated May 19, 1994 revising the January 12, 1993 submittal.

(ii) Additional materials.

(A) Non-regulatory portions of the State submittal.

(2) [Reserved]

(b)–(c) [Reserved]

[59 FR 50506, Oct. 4, 1994, as amended at 59 FR 51517, Oct. 12, 1994; 60 FR 47290, Sept. 12, 1995; 66 FR 1871, Jan. 10, 2001]

§ 52.1520 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for New Hampshire under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 18, 2009, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c) and (d) of this section with EPA approval dates after August 18, 2009, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of August 18, 2009.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, New England Regional Office, One Congress Street, Suite 1100, Boston, MA 02114–2023; Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration